

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
12/13/19

UNITED STATES OF AMERICA

12/13/19

V.

02 CR 743 (CM)

PETER GOTTI,

Defendant.

X

ORDER REQUESTING DOCUMENTATION FROM THE BUREAU OF PRISONS  
REGARDING ITS CURRENT POSITION ON DEFENDANT'S MOTION FOR  
COMPASSIONATE RELEASE

McMahon, C.J.:

Peter Gotti, the former boss of the Gambino Organized Crime Family and brother of the infamous mob boss John Gotti, moved on June 28, 2019 for compassionate release pursuant to 18 U.S.C. § 3582 and the First Step Act. In the ordinary course this motion would be handled by the judge who sentenced Mr. Gotti, the Hon. Richard C. Casey, but Judge Casey has died, and Mr. Gotti's case had been randomly reassigned to this court—a reassignment of which this court has only recently become aware.<sup>1</sup>

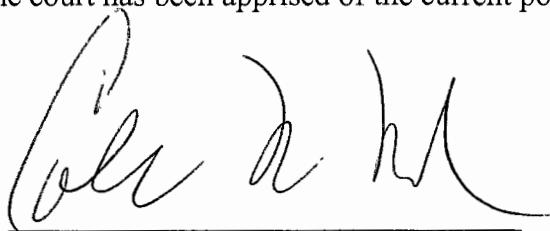
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<sup>1</sup> The first named defendant in this indictment, Louis Vallario, is assigned to my colleague, Judge John G. Koeltl; and Judge Koeltl signed the initial scheduling order for submissions on Gotti's compassionate release motion in September of this year (Docket #416), even though a number of defendants in this case (including Gotti, but not including Vallario or Defendant #6, John Matera) were reassigned from Judge Casey's close docket to my docket last June (Matera is assigned to Judge Furman, see Docket #404 – although it appears that Judge Koeltl conducted some proceedings back in 2013 related to Matera). As a result, some of the subsequent filings were designated on ECF as being in a case assigned to "JGK." Additionally, the parties did not send courtesy copies of the motion papers and responses to my chambers (as required by my rules); had we received those, it would have alerted the court that Gotti's motion was pending on my docket. As Mr. Gotti's case has clearly been reassigned to me, the Clerk is directed to correct the erroneous "JGK" designations on papers relating to this motion. The Clerk is also directed to correct the docket sheet at the top, where it now says that "all defendants" are assigned to this court. They are

The court has now reviewed all the papers that have been filed, including the original motion, the Government's opposition thereto, and some seven responses that have been filed by Mr. Gotti. In the seventh response, Mr. Gotti indicates that the Bureau of Prisons either does not oppose or supports his request for compassionate release. If that be true, then I need to see a sworn statement to that effect from the General Counsel of the Bureau of Prisons or someone authorized to speak on the agency's behalf. Conversely, if this is not actually the case, the Government should find out and let me know.

No decision will issue until the court has been apprised of the current position of the Bureau of Prisons on this matter.

December 13, 2019



Colleen McMahon  
Chief Judge

BY ECF TO ALL COUNSEL

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not. See Docket #410 (reassigning only Defendants DiLeonardo, Fappiola, Garafola, Carbonaro and Gotti to my docket effective June 26, 2019). The mystery is why some of these defendants were assigned to my docket at all, since other judges, including Judges Koelzl and Daniels, handled their 2255 motions.